

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Harinson Moreno Casquete,

Petitioner

Case No. 24-cv-02277 PJS/ECW

v.

ORDER

United States of America,¹

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated April 10, 2025, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. Petitioner Harinson Moreno Casquete's Petition for a Writ of Habeas Corpus §2241 (Dkt. 1) is **DENIED**;
2. Petitioner's Harinson Moreno Casquete's request for an evidentiary hearing is **DENIED**; and

¹ The Government argues that Moreno Casquete should have named the warden at FMC-Rochester as the Respondent, rather than the United States of America. (Dkt. 9 at 1 n.1.) A petitioner must name their custodian—"the person with the ability to produce the prisoner's body before the habeas court"—as the respondent in a habeas petition. *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (quoting 28 U.S.C. § 2242) (marks omitted). In this case, the only "proper respondent is the warden of the facility where the prisoner is being held" *Id.* (citations omitted). Consequently, although the Court recommends dismissal based on the merits, the Court also recommends "that the United States of America be dismissed and that [the warden at FMC-Rochester] be substituted in its place." *Wedington v. United States*, No. CIV. 12-710 JRT/FLN, 2012 WL 3031247, at *2 (D. Minn. May 21, 2012), *R. & R. adopted as modified*, 2012 WL 3031240 (D. Minn. July 25, 2012), *aff'd* (8th Cir. Sept. 7, 2012).

3. This matter is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: May 12, 2025

s/Patrick J. Schiltz
PATRICK J. SCHILTZ, Chief Judge
United States District Court